# ON GOVERNMENT;

ADDRESSED TO THE

# PUBLIC.

By THOMAS WYCLIFFE,
OF LIVERPOOL.

---

WARRINGTON, PRINTED BY W. EYRES.

MDCCLXXIX.

[PRICE FOUR SHILLINGS.]

BRITISH MUSEUM

# CONTENTS.

Page

*ON National and Imperial Government, and on the Internal Resources of this Nation,* - - - 1.

*On the Powers of Government,* 57.

*On the Supreme Power of a State,* - - - 77.

*On the Internal Government of Great Britain,* - - 103.

## ERRATUM.

Page 79, Line 11, *for* 1 St. Peter xi. *read* 1 St. Peter ii.

# ON NATIONAL AND IMPERIAL GOVERNMENT, AND ON THE INTERNAL RESOURCES OF THIS NATION.

EVERY day brings freſh accounts of the preſent alarming ſituation of public affairs.

THAT the loſs of America would be a moſt violent blow on the trade and ſtrength of this kingdom, cannot be denied; but as I believe that preſent evils are ſometimes productive of future good, let us hope that it is poſſible for ſome good conſequences to ariſe from the preſent loſs, even of America.

For many years paſt, America has certainly been a valuable part of this empire, by contributing materially to the ſtrength of this kingdom in time of war, and by being at all times a conſiderable ſource of wealth and commerce. But now let us view this iſland, ſtripped of her moſt valuable colonies, her trade and revenues leſſened, and every ſource of national power weakened and impaired; and is it not reaſonable to expect, that this relaxed ſtate, will at leaſt produce this good conſequence? viz.

That when government find themſelves weakened by the loſs of the external ſtrength of colonies, they will certainly be more inclined to purſue ſuch meaſures, as will beſt improve the internal ſtrength of this iſland; and many are the meaſures that would moſt effectually obtain that end, if ever neceſſity ſhould enforce the meaſures. For inſtance,

Suppose a tax of twenty pounds *per annum* to be laid on every horſe in this kingdom, and that this tax would deſtroy ſo many

many of them, as to leave only half a million of horſes, which at twenty pounds *per* horſe would be ten millions a year to government; then, as the deſtroying of ſo many horſes would certainly lower the price of proviſions, and, by enabling the poor to live at home, would prevent their going to ſeek their bread in foreign countries: ſo, from this one meaſure alone, what an increaſe would there be to the ſtrength of government, both in men and money? As to the money, it would probably be more than would be wanted, even at the height of a French and Spaniſh war; and if the ſurplus were applied to the paying off ſuch loans, as would enable the government to take off the taxes from windows, leather, ſoap, and all the neceſſaries of life, it would be ſuch an additional relief to the ſubject, that the argument for preventing emigrations, and thereby ſtrengthening the government with more men, would then fall with double force. And as this tax, by preventing emigrations, would certainly increaſe the number of Britiſh ſubjects, it would thereby

operate in favour of government, not only by its own weight, but by the accumulated weight of increaſing all other duties and taxes.

Now, from theſe and ſuch like meaſures, to improve the internal ſtrength of this kingdom, it does not appear to me to be a thing at all impoſſible, to make this iſland (though ſtripped of all her colonies) to ſtand fairly on her own legs, and, by her own internal and natural ſtrength, to defend herſelf againſt the united force of all her enemies. And until this kingdom is thus far rendered independent of her colonies, to look for an extended and permanent empire, ſeems to me to be a vain purſuit; as every part of the empire will always ſee the defect, and never ſuffer this, or any kingdom upon earth, to ſtand long on ſo ſandy a foundation. Firſt, let Great Britain take ſuch ſteps as will beſt improve her internal ſtrength, and ſecure her independency; and then, but not till then, ſhall I think this kingdom has a reaſonable and good foundation, on which ſhe can ſafely

ſafely build an extended empire, in grandeur and dignity ſuitable to the unbounded genius and ſpirit of Britons.

But, before we attempt to ſpeak of an extended empire, conſiſting of many nations, it may be proper to conſider the diſtinction that ought to be made, between a nation, and an empire; and between the power of a national ſtate, and the power of an imperial ſtate. Now, in order to make this diſtinction, we muſt recur to the original inſtitution of all ſocieties, or ſocial ſtates. When men leave the ſtate of natural liberty, and form a ſociety, or ſocial ſtate, then, it is to this firſt ſociety, or ſocial ſtate, in which they engage, that every man pledges his life and his whole property; and, though this firſt ſociety might be called, either a national, or an imperial ſociety, or might be called by any other name that you pleaſe, yet, allowing it to be called, a national ſociety, or, a national ſtate, then, it is to that national ſtate, that every man pledges his life and his whole property. But he does not pledge

his life and property to this national ſtate, in conſequence of any expreſs contract made with the parties or individuals thus aſſociated; it is not in his power to make ſuch a contract; neither is it in any man's power to withhold the pledge, if ever he unite in any ſociety, for it is by this *firſt* act of aſſociation that he eſtabliſhes that pledge. After men are thus aſſociated in a national ſtate, and the nation is divided into many pariſhes, it is impoſſible for the parochial ſtates to have a right to an unlimited power over the property of their reſpective pariſhioners, all the pariſhioners having previouſly, as national ſubjects, pledged their whole property to the national ſtate; and therefore, the national ſtate can only allow the parochial ſtates, a limited power over the property of their pariſhioners: neither is it poſſible for the parochial ſtates to have a right to any power at all over the lives of their reſpective pariſhioners, all the pariſhioners having alſo previouſly, as national ſubjects, pledged their lives to the national ſtate. And it is for the very ſame reaſon, that when many nations

are

are united into one empire, it is impoſſible for the imperial ſtate to have a right to an unlimited power over the property of the imperial ſubjects, all the men in the empire, in this caſe alſo, having previouſly, as national ſubjects, pledged their whole property to their reſpective national ſtates; and therefore, theſe national ſtates alſo, can only allow the imperial ſtate, ſuch a limited power over the property of the imperial ſubjects, as ſhall be eſtabliſhed by expreſs contract: neither is it poſſible for this imperial ſtate to have a right to any power at all over the lives of the imperial ſubjects, all the men in the empire, in this caſe alſo, having previouſly, as national ſubjects, pledged their lives to their reſpective national ſtates. Or, in other words, all national ſtates, being original aſſociations, have, therefore, by thoſe acts of aſſociation, a right to a power over the lives, and an unlimited power over the property, of all their reſpective ſubjects; but it is impoſſible to extend a right to thoſe powers, to any ſubſequent ſtates (whether they be parochial or impe-

rial ſtates) that are formed, either by dividing, or compounding, thoſe original national ſtates: and, an imperial ſtate, being only a ſubſequent aſſociation of men previouſly aſſociated in national ſtates, can, therefore, by that act of aſſociation, have no right to any power, but what is derived from the conſent of the nations thus united in this ſubſequent imperial ſtate. This, therefore, conſtitutes a manifeſt diſtinction, between a nation, and an empire; and between the power of a national ſtate, and the power of an imperial ſtate. The power of a national ſtate is *unlimited*, except by Divine laws, there being no expreſs contracts to limit the power of the general will of the nation: the power of an imperial ſtate is *limited*, not only by Divine laws, but there are alſo expreſs contracts to limit the power of the general will of the empire.

In a ſociety thus formed, where many ſmall national ſtates, under particular national governments, conſtitute one large imperial ſtate, under a general imperial government,

ment, if any of theſe governments attempt to exerciſe an authority which is the juſt right of another government, ſuch a meaſure is almoſt ſure to diſturb, if not to deſtroy the empire; but, if each of theſe governments keep within the bounds of their juſt authority, ſuch harmony in government, muſt be a bleſſing to the ſociety, and will as certainly tend to preſerve the empire.

As to the propriety of eſtabliſhing a large and an extenſive empire, to me it appears perfectly conſiſtent with all the eſtabliſhed laws of ſociety, that, as a great many individuals conſtitute one pariſh, and as a great many pariſhes conſtitute one nation, ſo alſo may a great many nations be collected into one empire, and become ſubject to an emperor of the confederate ſtates, or, a general guardian of nations: nor do I ſee what could fix the bounds to ſuch a confederacy of nations, or, what could determine, how far ſuch a general empire might poſſibly be extended, under a free and liberal ſyſtem of government. And, as to the neceſſity and effects of ſuch an extended

extended government as this, I think they are much the ſame, as in the ſmaller departments of government. Without judicial authority to determine the rights of individuals, they would be conſtantly encroaching on each other's rights, and conſtantly quarrelling: and without imperial authority to determine the rights of nations, they alſo will be as conſtantly encroaching on each other's rights, and as conſtantly at war; and the world continue a reſtleſs theatre of national contentions; unleſs an imperial government be eſtabliſhed, with power to preſide over nations, to determine their rights, and check their contentions. When we hear of a nation without laws, or without judges to execute laws, and determine the rights of individuals, we call it *anarchy*; and pity the poor wretches, who are deſtined to live in that unhappy confuſed ſtate. The want of a general imperial government, with power to preſide over, and determine the rights of nations, is *univerſal anarchy*. And, as the great Judge of the world, does ſuffer particular governments in particular nations,

nations, for the ſafety and happineſs of his creatures; who can ſay, that he will not, for the ſame reaſon, ſuffer a more general government in the world, if there be the ſame neceſſity, and if it will produce the ſame effects. And as, by a comparative view of greater things with ſmaller, the neceſſity and effects ſeem to be nearly the ſame, I cannot help concluding, that I think the probability rather in favour of this ſuppoſition, viz. that, as men are obliged to unite in a national ſociety, in order to ſupport the weakneſs of individuals, by the united ſtrength of a nation, ſo alſo, in proceſs of time, will national ſocieties be obliged to unite in a general imperial ſociety, in order to ſupport the weakneſs of nations, by the united ſtrength of a general empire; and that, on principles of ſelf-preſervation, they will be obliged to ſubject themſelves to an emperor of the confederate ſtates, or, a general guardian of nations.

Now, as on one hand, ſhould the reader apprehend, that ſuch a general power as this might

might be dangerous to the freedom of nations; I here beg leave to obſerve, that whenever a number of diſtinct national ſtates, are all collected into one and the ſame imperial ſtate, under a free conſtitution of goverment, then the imperial government can only have a right to make *general laws* reſpecting the *external government* of all the nations in the empire; but they can have no right to interfere in making *particular laws* reſpecting the *internal government* of any national ſtate, or kingdom whatſoever. Or, in other words, whenever many diſtinct national ſtates, are collected into one and the ſame imperial ſtate; as every national ſtate ought of right to be governed by its own national government, and every imperial ſtate by its own imperial government; therefore, it is impoſſible for a national government to have a right to give laws to an empire, or, for an imperial government to have a right to give laws to a nation. So, on the other hand, ſhould the reader apprehend, that giving this freedom to nations, might be dangerous to the general ſafety and peace of the

the world; I alſo beg leave to obſerve, that whenever many diſtinct national ſtates are collected into one and the ſame imperial ſtate, then the imperial government has as undoubted a right to give laws *externally* to every nation in the empire, and to enforce obedience to the imperial laws; as a national government has to give laws *internally* to every ſubject in the nation, and to enforce obedience to the national laws.

Now, admitting that ſuch an imperial government as this ſhould ever take place, then comes the principal queſtion; What nation muſt be honoured with the *ſeat* of empire, and is equal to ſo great an undertaking? When I conſider Great Britain, her natural ſtrength, as an iſland, and her acquired ſtrength, as the moſt improved iſland in the world; her improvements in ſcience, to direct her to a proper uſe of that ſtrength; and the genius and ſpirit of her inhabitants, to give a full exertion to ſuch ſtrength and knowledge: when I conſider this, I believe, I may venture to ſay, that,

if

if government do their part to improve all theſe advantages, there is not a kingdom upon earth, ſo well entitled as Great Britain, to be the *ſeat* of this imperial government; nor do I believe, that there is a king upon earth, ſo well qualified to wear the imperial laurel, as the king of Great Britain.

Now, ſhould it be ſaid, If Great Britain can be independent and happy, why ſhould ſhe diſturb that happineſs, by encumbering herſelf with this unwieldy government? To anſwer this queſtion; Obſerve the world, its inhabitants, and every thing in it. Every thing that is not in a progreſſive ſtate, going on to perfection, is falling back to decay; this has hitherto been the caſe with every nation in the world; it is a fatality founded in the very nature of things; and, ſhall Great Britain look for an exemption from the eſtabliſhed and invariable laws of nature? No. If Great Britain does not preſs forward to the ſummit of power, ſhe will moſt certainly ſink into ſome kind of dependence,

perhaps

perhaps be a ſneaking colony, or, at beſt, a tributary ſtate.

But leſt any nation ſhould take an unneceſſary alarm, ſtill thinking the freedom of nations endangered, by eſtabliſhing ſuch a general power as this; give me leave to remind them, that this imperial government is expreſſly forbidden, and ought, by contract, to be expreſſly precluded from a right to interfere in the internal concerns of any nation. So that, were ſuch an imperial government as this to be eſtabliſhed, and the imperial conſtitution of government to be ſtrictly obſerved, inſtead of endangering the freedom of nations, this imperial government would guard that freedom from the encroachment of any foreign power, and would be a ſure and effectual ſecurity to all nations, againſt that unlawful, though common practice, *Of one ſtate claiming a right to give laws to another ſtate*, or, *An imperial government claiming a right to make national laws:* a practice, that has hitherto made the hiſtory of the world, little more than an

hiſtory

hiſtory of wars and rebellions: a practice, that not only reaſon declares, but the experience of all ages has alſo plainly proved, can never be productive of any other conſequences; for there is no other alternative, but that of either tamely ſubmitting to the yoke of ſlavery, or, by reſiſtance, rendering the world an horrid ſcene of human carnage. Or, ſhould any empire take an unneceſſary alarm, at the power of their governors being reſtrained from interfering in the internal concerns of any nation; give me leave to remind them alſo, *That diſtinct governments interfering with each other in their internal concerns*, is a practice, that Infinite Wiſdom and Goodneſs ſeems to have ſtamped with repeated marks of his diſpleaſure (probably to preſerve an equal diſtribution of juſtice to all mankind). For, I believe, that this unlawful practice has been a principal cauſe of deſtroying the three greateſt empires that have yet been in the world, viz. the Aſſyrian, the Grecian, and the Roman empires: and, if Great Britain (in this American diſpute) will bring another devoted empire to the very

very ſame teſt, what can we reaſonably expect, but the very ſame fate, from HIM, *with whom is no variableneſs, neither ſhadow of turning?*

THE ſovereign of a general empire, if he does not act on principles of univerſal benevolence, I think it very unlikely, that either his power or dominions would ever be in any degree adequate to his title; for, how can we ſuppoſe, that Infinite Wiſdom and Goodneſs will ever ſuffer a general *power* on earth, but to obtain a general *good?* Or, how can we ſuppoſe, that it will not be ſuffered, if that power be neceſſary to obtain that end? Then again, men differ much about what is, or is not good: ſome ſay, it is a good thing to make a man a *Mahometan*, others, to make him a *Chriſtian*: but, allowing it to be the Divine Will, to ſpread chriſtianity throughout all the world; as the goſpel, after it was eſtabliſhed by miracles, was left to be

propagated by human power, under Divine Influence; then, as long as human power co-operates with the Divine Will, to obtain that end; who can ſay, how far that human power may be ſuffered, or, how far the dominions of that power may be extended? And, when we conſider, that no leſs than a *Divine Character* did condeſcend to eſtabliſh chriſtianity in the world; we may reaſonably conclude, that the propagation of it, muſt be a moſt acceptable human ſervice, and highly becoming the greateſt *human character* upon earth, the ſovereign of a general empire, who acts on principles of univerſal benevolence.

THE ſovereign of a general empire, that is univerſally benevolent, can no more depart from his moral, than from his religious duties. For inſtance, ſuppoſe a province in America to apply to be admitted into the empire, it would be impoſſible for the ſovereign, conſiſtent with his

his principle of univerſal benevolence, to admit that province into the empire, while there is a *ſlave* in it; for, if he does not extend his benevolence to that ſlave, when he has it in his power, and can ſo eaſily do it, I am ſure, he is not univerſally benevolent; therefore, he muſt either give up his fundamental principle of univerſal benevolence, or oblige the province to emancipate every ſlave in it, before that province can poſſibly be admitted into the empire. And, if the ſovereign is thus careful of the freedom of individuals, he muſt certainly be as careful of the freedom of nations; allowing every ſtate, or kingdom in the empire, the full enjoyment of every freedom, that is conſiſtent with the natural rights of nations.

THE ſovereign of a general empire may, conſiſtent with his own principles, make any ſtate or kingdom upon earth tributary to him, on ſuch terms as ſhall be mutually agreed on; for mutual com-

pacts are perfectly conſiſtent with freedom, and with the nature of human ſocieties.

Now, if ever ſuch an empire as this, is attempted with any proſpect of ſucceſs, ſuch a mighty fabrick muſt certainly be built on the broad baſis of mutual ſafety, mutual happineſs, and the moſt generous and liberal principles; giving every liberty of mind and conſcience, both civil and religious, to every part of the empire, that can poſſibly be given, conſiſtent with particular and general ſafety.

Let us then ſuppoſe a great many ſtates or kingdoms to be collected into one great empire, on the following terms: viz.

That the chriſtian religion, as it is eſtabliſhed in England, ſhall be the eſtabliſhed religion of every ſtate or kingdom in the empire: and that all other religions or ſects, that are tolerated in England, ſhall

ſhall alſo be tolerated in all the other ſtates or kingdoms: and to prevent further diſſenſions in chriſtianity, owing to different ideas that may ariſe from different tranſlations, that it ſhall alſo be profeſſed in the ſame language; and if this eſtabliſhment be made in a ſtate or kingdom where they ſpeak another language, that the ſubjects of that ſtate or kingdom ſhall be ſuffered to uſe any other tolerated religion, in their own, or any other language, that they pleaſe, until it be convenient and agreeable to them, to conform to the eſtabliſhment:

THAT every ſtate or kingdom in the empire, ſhall pay to the emperor, ſuch a tribute as ſhall be mutually agreed on:

THAT in conſideration of this tribute, the emperor ſhall be obliged to protect at ſea, every ſtate or kingdom in the empire, with the ſame care, as his own immediate kingdom:

THAT as every ſtate or kingdom in the empire, would then be protected againſt all maritime inſults; therefore, that none of them ſhall ever be ſuffered to have any men of war, or armed veſſels whatever:

THAT every ſtate or kingdom in the empire, ſhall be limited in the number of their ſoldiers; and that they ſhall not exceed that number, without the conſent of the emperor:

AND, That the ſubjects of every ſtate or kingdom in the empire, ſhall have a free liberty of trading to every part of the empire, the ſame as the ſubjects of the emperor's own immediate kingdom.

Now, the queſtion is, whether theſe terms are, or are not, conſiſtent with the ſafety, happineſs, and natural rights of men, and of kingdoms?

As to the general ſafety of the empire;

pire: the firſt thing neceſſary for the ſafety of a great empire, is to deſtroy the power of all its branches, leaving no power but in that kingdom, which is the ſeat of empire; for, if all the different kingdoms of an empire are allowed power (ſuch is the luſt of ambition) they will moſt certainly unite that power againſt, and, if they can, they will deſtroy that kingdom, which is honoured with the ſeat of empire, in hopes of obtaining that honour themſelves; therefore, power muſt not be ſuffered in the branches of an empire, it being utterly incompatible with the ſafety of the whole. And, as to the ſafety of the different branches of the empire; the emperor would be obliged by treaties, to defend them againſt all inſults at ſea; and the ſame treaties, would alſo allow them a ſufficient ſtrength, to defend themſelves on land: and, as to the ſecurity theſe branches would have for the emperor's fulfilling

his treaties; I cannot offer them the ſecurity of any other earthly power, but they would have what I think a much better ſecurity; the emperor would be bound to fulfil theſe treaties, by the never failing principle of ſelf-love and ſelf-defence; and, on this principle, it would be impoſſible for the emperor ever to deny a ſufficient ſtrength, both at ſea and on ſhore, to defend the very branches of his own empire. Theſe tributary ſtates, would be the very ſtrength and dignity of the empire, nay, they would be the empire itſelf; or, however, they would be as much a part of the empire as a man's hands and feet are a part of himſelf: and therefore (without the obligation of treaties) to ſuppoſe that an emperor would be ſo very careful of his own immediate kingdom, that he would not allow every thing neceſſary for the ſafety and welfare of every other part of his empire; is as abſurd and ridiculous, as to ſuppoſe

a man

a man ſo very careful in covering his head, that he will not allow himſelf cloathing to his back. So that theſe branches, when thus united with the head, and all collected into one great and powerful body, would certainly be in a ſafer ſtate as to national defence, than when they ſtand detached from each other, and each kingdom obliged to defend itſelf.—Compared with this mode for a general government of nations, look at the preſent ſituation of Europe; are not all the ſmaller powers, in conſtant fear and danger, of being deſtroyed by the greater? and, are not all the greater powers, in as conſtant fear and danger, of being deſtroyed by each other? And, to prevent it, they are obliged to keep up a political ſyſtem called, the balance of power, and in this ſyſtem, Great Britain, to be ſure, muſt take the lighter ſcale, to make it balance; and then, if any of the other powers on the continent get into a

wrong

wrong ſcale, Great Britain muſt go to the other, to preſerve that balance; and ſo dance from ſcale to ſcale, that one would really wonder how men of ſenſe can poſſibly be led by ſuch a dancing political phantom. So that as to national ſafety, I think I may fairly conclude, that, the mode here propoſed, for a general government of nations, is as much ſafer than their preſent ſituation, as government is ſafer than anarchy.

As to the happineſs of men: as every ſtate or kingdom in the empire, would have the very ſame religious eſtabliſhment, ſoftened by the ſame tolerations; and, as every nation in the empire, would have a free liberty to chooſe their own form of government, and afterwards an uncontrouled exerciſe of their own civil government, and internal policy; and as every ſtate or kingdom in the empire, would have a free trade to all parts of the empire; ſo, every ſub-

ject

ject in every branch of the empire, would have the ſame opportunities of obtaining wealth by trade, and the ſame indulgences in a full enjoyment of that wealth, under every liberty, both civil and religious, that are enjoyed by the ſubjects of the emperor's own immediate kingdom. Which, I hope, will be allowed to be as much political liberty and happineſs, as can reaſonably be looked for, by any ſubject.

And, as to the natural rights of men and of kingdoms: though equality is the original natural right of men, yet, when a delegated power of governing is eſtabliſhed in a ſtate, as ſubordination is then allowed to be neceſſary in the government of ſocieties; ſo, whenever a man engages in any ſociety, in which there is a delegated government eſtabliſhed, he forfeits his natural right of equality; and all the natural right he has then left, is, to try, what degree or place

place he can obtain, in the ſcale of ſubordination; and, after he has taken a place in it, if he does not ſubmit to all the duties of that place, he moſt certainly encroaches on the eſtabliſhed laws of ſociety; but, let the place he takes be where it will, I am ſure, there is no encroachment made on the natural rights of that man. And it is with *kingdoms*, as it is with *individuals*: equality is their original natural right; but, whenever many kingdoms are collected into one ſociety, national equality then ceaſes, a ſcale of ſubordination muſt immediately take place, and all the natural right that a kingdom has then left, is, to try, what degree or place ſhe can obtain, in the great national ſcale; and, after ſhe has taken a place in it, if ſhe does not ſubmit to all the duties of that place, I muſt ſay of that kingdom, as I did of the individual, that ſhe does certainly encroach on the eſtabliſhed laws of ſociety, but that

no

no encroachment is made on the natural rights of that kingdom. And therefore, I do aſſert, that, when one kingdom is made tributary to another, by mutual agreement, that no encroachment is made on the natural rights of the tributary ſtate, or, on the natural rights of any man in it.

Now, from theſe reaſons taken collectively, I think I may fairly draw the following concluſions, viz.

THAT Great Britain, may be made independent:

THAT Great Britain, when made independent, is the propereſt kingdom in the world, for the ſeat of a general empire:

THAT a general empire, is conſiſtent with the eſtabliſhed laws of ſociety:

AND,

And, That a general imperial government, were it to be eſtabliſhed on the terms here mentioned, would effectually ſecure to the whole empire, the general power of the imperial government, as to the external government of every nation in the empire;—would alſo as effectually ſecure to every nation in the empire, the particular power of each national government, as to the internal government of their reſpective nations;—would greatly conduce to the ſafety, not only of the whole empire, but to the ſafety of each particular nation;—would contribute to the happineſs of individuals;—and would not in the leaſt encroach on the natural rights, of any man, any nation, or any empire in the world.

Now, let us ſuppoſe ſuch a general empire as this to be eſtabliſhed, and Great Britain to be made the ſeat of imperial government, then, it is plain, that no

no title, except a general title, could poſſibly be applied to this empire, it would be impoſſible to apply a local title, for then it would not be a general empire: for inſtance, were it to be called, the Britiſh empire, then, that title would certainly preclude the whole world, except the iſland of Great Britain; and, Great Britain has dominions at this time in every quarter of the world; but, if the imperial title be circumſcribed to any one part, no other part of the world, could then poſſibly be made a part of the empire. It is true, common uſage may ſtamp a meaning on words, contrary to their original and proper meaning; and it is by the authority of this cuſtom, that we call America a part of the Britiſh empire; but, if I may be allowed to deviate from this cuſtom, and to recur to the original and proper meaning of words, theſe words, Britiſh empire, muſt mean an empire over Britain; they cannot mean an empire over America; and therefore, to ſay, that

America

America is a part of the Britiſh empire, is as abſolute a contradiction in terms, as to ſay that America is a part of Britain. America, as colonies, or appendages, may continue ſubject to a Britiſh empire, but ſhe never can be a part of the Britiſh empire, any more than ſhe can be a part of Britain. And as it is impoſſible for America to be a part of the Britiſh empire, how can we reaſonably expect, that the Americans (or any other people) will ever tamely ſubmit to any power, of which they themſelves do not make a part? How would an Engliſhman like to be amenable to the edicts of France? It is certainly moſt conſiſtent with the natural rights of men, *that no man ſhall be ſubject to the power of any community, unleſs he is himſelf a member of that community.* This is a natural right, that may be overruled by power, but it can never be extirpated. It is a right, that will for ever exiſt, and will for ever operate ſo powerfully

fully on the minds of men, that no human government will ever ſtand ſafely, that is formed on any other principle.

THE common acceptation of words, is certainly a true and real meaning of words; and by common uſage, theſe words, Britiſh empire, do certainly mean an empire over America; and that when a man ſays, Britiſh dominions, he does not mean to be confined to the dominions in Britain, but that he means alſo to include the dominions in America; that is, when a man ſays, my Yorkſhire eſtate, he does not mean to be confined to his eſtate in Yorkſhire, but that he means alſo to include his eſtate in Cornwall. And yet, excluſive of the authority of cuſtom, if the words, Britiſh empire, and Britiſh dominions, do mean, an empire and dominions in America; then the words, Yorkſhire eſtate, do moſt certainly mean, an eſtate

in Cornwall. But, ſuch is the bewitching power of cuſtom! that this is certainly the common acceptation of theſe words; and I would not have here attempted to oppoſe it, or have thought it worth waſting a page in the diſtinction; but that I think, in this caſe, the common acceptation of theſe words, will always give great offence to other nations, and is thereby a real injury to the empire; and therefore, I hope, no one will be offended at my taking the liberty of uſing theſe words, Britiſh empire, not in their cuſtomary, but in what I think their original and more proper meaning. And I would not have taken this liberty, merely for a trifling diſtinction in the meaning of words, but for the ſake of uſing them in ſuch a meaning, as cannot poſſibly offend other nations, and may therefore be a real advantage to Great Britain. For, how would it hurt the pride of an Engliſhman, to have England called a

part

part of a French, or a Spaniſh empire? And, why will you hurt the pride of an American, by calling America a part of the Britiſh empire? As long as national pride has any influence over the minds of men, a national title of ſuperiority, will always give offence to every man who is not of that nation, which is honoured with the title; and will always be a real injury to an empire: as men never will willingly conſent to give even a title of honour to any nation, unleſs they are themſelves a part of that nation; or to aggrandize any community, unleſs they are themſelves a part of that community: and therefore, in a general empire, what title can be given, that would not offend ſome nations, or would not preclude ſome nations from the community, but either the title of the emperor of the confederate ſtates, or, the general guardian of nations, or, ſome other *general* title? For, if any nation is, by a *local* impe-

rial title, expreſſly precluded from the empire; it would then be impoſſible, for that precluded nation, to be made a part of the empire, without ſtill continuing the old cuſtom, of making the land in Cornwall into a Yorkſhire eſtate. So that, whatever nation attempts to eſtabliſh an imperial government over other nations, ſhe ought certainly, in that government, to lay aſide all offenſive national titles, and all little ſelfiſh diſtinctions and partialities; to allow every nation the honour of ranking with herſelf, in the great imperial community; to open wide her hoſpitable arms, always ready to ſupport, and always careful not to offend, any other nation in the world: for how can any kingdom expect, or what right has any kingdom, to the honour of being the ſeat of an imperial government over other nations, but by acting on the liberal and unbounded principle, of an impartial friend, and citizen of the world?

THE Britiſh ſovereign, were his government to be confined to his regal dominions, would have no occaſion for any other title, than his preſent regal title: the Britiſh ſenate, were their government to be confined to their national dominions, would have no occaſion for any other government, than their preſent national government: but, as the Britiſh ſovereign, and the Britiſh ſenate, are the governors not only of a regal or national ſtate, but alſo of an imperial ſtate; therefore, the Britiſh ſovereign, is not only a regal, but alſo an imperial ſovereign; and the Britiſh ſenate, is not only a national, but alſo an imperial ſenate: and, as the Britiſh regal or national ſtate, ought to be governed, by our regal ſovereign, and the national ſenate; ſo, the imperial ſtate, ought to be governed, by our imperial ſovereign, and the imperial ſenate. For, all the branches of this imperial ſtate, being as really and abſolutely a part of the empire, as Great Britain; therefore,

though they ought not to be ſubject to this national ſenate, yet they ought all to be really and abſolutely ſubject to this imperial ſenate; the imperial ſenate governing and giving laws to the whole imperial ſtate, as each national ſenate governs and gives laws to each national ſtate. And, though the Britiſh ſovereigns have never yet had the title of emperors, yet, as they have for ſome ages paſt exerciſed an imperial power over many imperial ſubjects, and thoſe imperial ſubjects have invariably acknowledged their right to that power; and, as the Britiſh ſovereign, is in reality, and in fact, poſſeſſed both of a kingdom and an empire; therefore, the Britiſh ſovereign, is in reality, and in fact, both a king and an emperor; the imperial crown preſiding over the imperial ſtate, as the regal crown preſides over the regal ſtate.

To ſeparate and diſtinguiſh particular from general power, has always been properly

properly obſerved in the ſmaller departments of governing individuals; though theſe diſtinctions have hitherto been very much neglected, in the greater departments of governing nations; where the weight of government, and the complication of circumſtances, make them more neceſſary. Do not all colonels direct the particular command of their reſpective regiments? And when a general takes the command of a whole army, the colonels directing their particular commands, will certainly aſſiſt the general in directing his general commands: but, if this general will minutely extend his care, and will act as colonel to every regiment, I may venture to pronounce, that he muſt either have a very ſmall army, or very ſoon be in great confuſion. Now, in common life, theſe diſtinctions are very plain and obvious; and they are as certainly true, and more neceſſary, in the government of nations: for, if an emperor will minutely extend his care, to the

particular government of all the nations of his empire; I may as ſafely pronounce, that he muſt either have a very ſmall empire, or very ſoon be in great confuſion.

And here, I muſt beg leave to obſerve, that cenſuring a law, does not include the leaſt degree of cenſure on a judge, who is officially bound to judge by that law. The conſtitution ſays, Great Britain has colonized America: that, therefore, infers an obligation, or a law, by which government is officially bound to judge and act; and, until that part of the conſtitution is altered, it is impoſſible for the government not to exert themſelves to ſupport what the conſtitution directs, without a manifeſt neglect of their official duty; and therefore, whatever bad conſequences may attend theſe exertions, the fault is not in the government, but in the conſtitution; and while this part of the conſtitution continues as it is, and the general, inſtead of having colonels, has

has only his own private ſervants to command every regiment, what can we look for but a vanquiſhed army?

Now, barring the old conſtruction of words, and allowing the ſame conſtruction of the words, Britiſh community, as of the words, Britiſh empire, that, as an American empire, is not a Britiſh empire, ſo, an American community, is not a Britiſh community: now, allowing this conſtruction of theſe words; then, the truth of this caſe, and the misfortune too, may, I believe, be comprehended in a very few words, viz. The conſtitution, ſubverſive of every principle of good generalſhip, and good government, has not confined the particular power of *the Britiſh government* to *the Britiſh community*; but has extended a particular power, in the Britiſh government, to all her *colonies in America*, which are all *diſtinct communities*; and, when *the ſame government* extends a particular power, *to many communities*,

*communities*, it is making *the ſame general* to act as colonel *to many regiments*; which is extending *a particular power*, where, in the natural order of government, a *general power* can only be exerciſed: nor has the conſtitution diſtinguiſhed, between the *political colonel*, and the *political general*; that is, the conſtitution has not diſtinguiſhed, when the parliament act as a *national government*, and when they act as an *imperial government*; which is a diſtinction, that would clearly diſcriminate, when they are making, and have an undoubted right to make, *particular laws* reſpecting the *internal government* of this nation; and, when they are making, and have an undoubted right to make, *general laws* reſpecting the *external government* of every nation in the empire. And, if the principles that I have before laid down are true, viz. That all imperial ſubjects ought to be amenable to imperial laws, but not to national laws; and, That all national ſubjects ought to

be

be amenable to national laws, but not to imperial laws; then, ſuch a ſyſtem of government as this, were it to be eſtabliſhed and obſerved, would certainly ſecure to Great Britain, *the American dependence on this imperial government*, reſpecting the *external government* of every nation in America, which is every degree of dependence that the imperial government can have a right to claim, conſiſtent with the natural rights of nations; and, would alſo as certainly ſecure to America their *national independence*, reſpecting the *internal government* of every nation in America, which is every degree of independence that any nation in America can have a right to claim, conſiſtent with the duty and allegiance, which, as imperial ſubjects, they certainly owe to this imperial government.

As to the cauſe of the preſent diſpute with America, I believe, that it is not a want of affection between the Britiſh and the

the American ſubjects, nor perhaps a want of generoſity on either ſide of the water; but, that it is a want of a better ſyſtem of imperial government, than the preſent ſyſtem, which has been the cauſe of this unhappy diſpute. The preſent conſtitution of government appears to me to be a real injuſtice both to the Britiſh and the American ſubjects: for, the conſtitution has eſtabliſhed in the *imperial government* a right (if it can be properly called a right) to interfere in the *national government* of America, and, as every nation which is not ſelf-governed is certainly enſlaved; therefore, that part of the conſtitution is an injuſtice to the American ſubjects: and, the conſtitution (there being no expreſs contracts made with the Americans for the payment of ſtipulated ſums to the imperial government) has not eſtabliſhed in the imperial government *a legal right* to demand from the Americans a direct revenue for the ſupport of thoſe very fleets, and that very power, which

which is to defend and protect themſelves; leaving the whole load of raiſing a direct revenue (for the joint defence both of Great Britain and America) to be laid ſolely on Great Britain, and, as every part of a ſtate ought certainly, by a direct revenue, to contribute to the ſupport of that force which is to defend and protect themſelves; therefore, that part of the conſtitution is an injuſtice to the Britiſh ſubjects. Before the preſent diſpute with America, the Britiſh ſubjects were moſt unreaſonably loaden with taxes to ſupport both themſelves and the American ſubjects, and the American ſubjects (by the imperial government being allowed to interfere in their internal national concerns) were as unreaſonably denied their civil liberty; ſo that, previous to this diſpute, the American ſubjects were indulged ſlaves, and the Britiſh ſubjects were oppreſſed freemen;—previous to this diſpute, the ſeeds of this rebellion were implanted in your conſtitution. And, were

were you juſt now re-united with America, under this deſtructive ſyſtem of government, a ſyſtem, which by a complicated injuſtice, has eſtabliſhed an ignominious ſlavery on one ſide of the water, and a moſt unmerciful oppreſſion on the other; ſuch a re-union, by not placing the Americans in a ſtate of civil liberty, would only be ſowing the ſeeds of another rebellion;—ſuch a re-union, by laying the whole load of accumulated debts, which have been contracted in the general ſervice of the empire, ſolely on this nation, inſtead of laying that load, in equitable proportions, on every nation in the empire, would have a direct tendency to cruſh and to deſtroy Great Britain, and thereby eventually to loſe all imperial government, and all *rightful* dominion over America;—ſuch a re-union, would not be recovering, but deſtroying the empire. We can never ſufficiently lament our attachment to the preſent conſtitution of government, as there is too much reaſon to believe, that

it

it is our attachment to this wretched conſtitution, which, for the preſent, has loſt America, and has ſtripped the imperial crown of one of its brighteſt diadems. Not that I have the leaſt idea of America being irrecoverably loſt, give the Americans civil liberty, and it is highly probable, that their affections are not yet ſo far eſtranged, but that they would then renounce their preſent alliance, and return to their former allegiance. But, whenever a re-union with America takes place, it is impoſſible to re-unite on any terms, but that of obliging the Americans, by expreſs contracts, to pay a direct revenue to this imperial government, for the common ſupport of the empire, without being guilty of a manifeſt injuſtice to the Britiſh ſubjects; and equally impoſſible to give the Americans civil liberty, without firſt eſtabliſhing ſuch a ſyſtem of government, as ſhall clearly diſtinguiſh between the *particular power* of each national government, and the *general power* of the imperial government. I ſhall, therefore,

therefore, endeavour to ſeparate and diſtinguiſh, the particular government of the Britiſh regal or national dominions, from the general government of all the other imperial dominions; and, in order to form theſe diſtinct governments, I beg leave to ſuppoſe theſe to be the heads of an imperial magna charta, viz.

THAT, when the king of Great Britain, is the emperor of the confederate ſtates, or, the general guardian of nations, then the Britiſh lords, ſhall be the upper ſenate; and, the Britiſh commons, ſhall be the lower ſenate, of that empire.

THAT, as the king, the lords, and the commons, do jointly conſtitute the government of the Britiſh realm; ſo, the emperor, the upper ſenate, and the lower ſenate, ſhall jointly conſtitute the government of the imperial realm.

THAT,

THAT, as the joint aſſent, of the king, the lords, and the commons, is neceſſary to enact a Britiſh ſtatute law; ſo, the joint aſſent, of the emperor, the upper ſenate, and the lower ſenate, ſhall be neceſſary to enact an imperial ſtatute law.

THAT, the Britiſh lords, ſhall, whenever they pleaſe, when the houſe is conſtitutionally aſſembled, form themſelves into an imperial upper ſenate, in the ſaid houſe; but that they ſhall not form themſelves into an imperial ſenate, at any other time, or in any other place.

THAT, the Britiſh commons, ſhall, whenever they pleaſe, when the houſe is conſtitutionally aſſembled, form themſelves into an imperial lower ſenate, in the ſaid houſe; but that they ſhall not form themſelves into an imperial ſenate, at any other time, or in any other place.

THAT, the three eſtates of the Britiſh government, the king, the lords, and

the commons, do bind and oblige themſelves, and all their reſpective ſucceſſors, at all times, and on all occaſions, to defend and ſupport the imperial government, with money, fleets, armies, or any other aſſiſtance, that they in their wiſdom ſhall think neceſſary and proper, for the defence and ſupport of all the branches of the empire.

THAT, in conſideration of this ſupport, the three eſtates of the imperial government, the emperor, the upper ſenate, and the lower ſenate, do bind and oblige themſelves, and all their reſpective ſucceſſors, always to be accountable to the Britiſh government, for all the tribute-money, or emoluments of any ſort or kind, that they may, at any time, receive from any of the branches of the empire.

THAT, the Britiſh government, ſhall always do and tranſact, all buſineſs reſpecting the particular government of Great Britain; but that they ſhall not, in

in any caſe interfere, either in the particular government of any other nation, or, in the general government of the empire.

And, That the imperial government, ſhall always do and tranſact, all buſineſs reſpecting the general government of the empire; but that they ſhall not, in any caſe interfere, either in the particular government of Great Britain, or, in the particular government of any other nation.

Thus, the particular power of the Britiſh government, and, the general power of the imperial government, might be ſeparated and diſtinguiſhed: and then, no dominions, but the Britiſh dominions, would be ſubject to the Britiſh government:—no dominions, but the imperial dominions, would be ſubject to the imperial government:—no man would be ſubject to the power of the Britiſh government, unleſs he was a Britiſh

ſubject:—no man would be ſubject to the power of the imperial government, unleſs he was an imperial ſubject: and therefore, on this mode of government, no encroachment could poſſibly be made, on the natural rights, either of men, or of kingdoms; as neither men, nor kingdoms, would then be ſubject to *the power of any community*, unleſs they were themſelves *a part of that community*.

As to the probability of extending an empire in any degree adequate to the title of a general empire; the preſent mode of colonizing nations (even allowing it to be conſiſtent with the natural rights of men) is certainly the very worſt method in the world, for preſerving and extending an empire; as the great difficulties of attending to the particular government of thoſe colonies, very ſoon clog and burthen an empire, and render her incapable of further extenſion, without ſinking the whole empire under the great load of government.

ment. In private life, when a man's eſtate is too large to be managed by his domeſtics, he divides it into farms; making the tenants accountable to him, only for particular ſums.—An empire that is too large to be managed by her own immediate ſervants, would find the ſame conveniency, in dividing it into tributary ſtates; allowing every ſtate the full enjoyment of their own internal government and policy, and making each ſtate accountable, only for their particular tribute-money. On this mode of government, that nation which is the ſeat of empire would receive *every real advantage*, that can poſſibly be had from foreign dominions, and *every real dignity*, that it is poſſible for one nation to confer on another; and the governors of the imperial ſtate, being freed from the laborious and irkſome taſk, of minutely extending their care to the particular government of each national or regal ſtate; they would then be better enabled to preſerve, and more at liberty to take every opportunity of

extending the empire: and, as it would certainly be not only ſafe and advantageous, but alſo honourable for any nation to make a part of ſo grand an empire, who can ſay to what degree the empire might be extended? Not that I have a wiſh, that either this, or any *general empire*, ſhould ever be extended one ſtep further than is conſiſtent with the *general good* of ſociety, ſo far from it, I ſincerely wiſh that every power upon earth may be always circumſcribed within the bounds of its utility; and keeping within thoſe bounds, perhaps it may not be an idle vanity, but a real duty, to wiſh for the extenſion of dominion: nor does it appear to me to be a thing at all impoſſible, either on this, or ſome ſuch mode of government, and on theſe principles, not only to recover this empire, but to eſtabliſh an empire *as extenſive, more permanent, of more dignity and grandeur, and of more real advantage to ſociety*, than any empire that has ever yet been eſtabliſhed in the world.

I SHALL

I SHALL therefore venture to ſubmit theſe thoughts to the inſpection and conſideration of a diſcerning public; and as I can ſafely declare, that they are delivered free from perſonal or factious influence, I hope the candour and generoſity of the public will excuſe my defects: and if the ſhort ſketch here mentioned, reſpecting the internal policy of this iſland, will, in any degree contribute to the welfare and happineſs of Great Britain; or, if theſe outlines of a more general government, will, in any degree contribute to a more general happineſs, they will then anſwer every end intended, or wiſhed for, by the writer of this paper.

# ON THE POWERS OF GOVERNMENT.

IT is a principle inherent in the very nature of government, that in every government there are three diſtinct ſorts of power, viz. the power of *making* laws, the power of *executing* laws, and the power of afterwards *judging*, in particular caſes, whether thoſe laws have, or have not, been properly made, and properly executed: now, by this laſt power of *judging*, in particular caſes, I mean a power to relieve an individual, when, in a particular caſe, he is unjuſtly oppreſſed by a general law; which is a power indiſpenſably neceſſary in all human

man governments, to guard the ſubjects againſt the errors and imperfections of all human governors: theſe are the three powers of government, and it is in a proper or improper diſtribution of theſe three powers, that all good or bad government conſiſts. For, when thoſe ſeparate powers are given to ſeparate perſons, then thoſe ſeparate perſons may mutually guard againſt each other's errors, both in the making, and in the executing of all laws; but, when thoſe ſeparate powers are given to the ſame perſon or perſons, then this mutual guard is wanting, and the ſubjects are expoſed to all the errors and imperfections of their governors, without any guard at all: and therefore, whenever theſe diſtinct powers are united in the ſame perſon or perſons, it is a defect in the form of government, for then they cannot be a guard on each other's conduct, either in the making, or in the executing of laws; but, whenever they are perſonally ſeparated, it is the moſt perfect form of government, that human wiſdom has ever yet been able to contrive.

THE conſtitution that has formed the Britiſh government (which, in this part, ſeems almoſt more than human wiſdom) has plainly ſeparated theſe three powers, by giving them to ſeparate perſons: for it has given, to the houſe of commons, the power of making laws; to the king, the power of executing laws; and to the houſe of lords, the power of afterwards judging in particular caſes, whether thoſe laws have, or have not, been properly made, and properly executed. Indeed, the conſtitution has alſo given, to the king, and to the houſe of lords, a negative in the making of all ſtatute laws, and for theſe plain reaſons: if the executive power did not aſſent to the making of a law, and thereby declare that he will execute it, the law might be made in vain, as it might never be executed; nor without that aſſent, could the ſubject poſſibly know, whether he did, or did not, intend to execute it; and therefore, the executive power muſt and ought to join in every act of legiſlation. And,

in

in like manner, if the power that has a right of judging, in particular caſes, whether laws have, or have not, been properly made, and properly executed, did not aſſent to the making of a law, and thereby declare that the law ought to be both made and executed, the law might then be made in vain; as it then might happen, that the ſubject who offends againſt that law, might be tried for that offence, by a court that would condemn the law, and not the man for breaking it: this power muſt therefore aſſent to every law, before the ſubject can tell, that that is the law by which he is to be judged; and therefore, this power alſo muſt and ought to join in every act of legiſlation: for, after aſſenting to a law, they muſt judge by that law, nor can they releaſe an offender from the force of it, but by the exerciſe of that diſcretionary power, which is the natural and inherent right of that power.

THUS, though it be unavoidably neceſſary,

ceſſary, that the three powers of government ſhould unite in the making of all ſtatute laws, yet it is impoſſible that they ſhould be perſonally united, without taking from each power the opportunity of judging of the conduct of the other powers, as diſtinct and ſeparate agents: for, if the ſeparate powers of government, are not given to ſeparate perſons, then, there are no ſeparate perſons to judge, whether laws are, or are not, properly made; nor afterwards, whether thoſe laws have, or have not, been properly executed: as ſeparate powers of judging, when lodged in the ſame man, become the ſame power, unleſs you can ſeparate a man from himſelf: and when ſeparate powers of judging are thus perſonally united, as it is then impoſſible for thoſe powers to be the mutual judges of each other's conduct, conſequently each power becomes its own judge; a privilege, utterly ſubverſive of all law and all government.

MAN, in his original ſtate of nature, and

and unconnected by ſociety, has certainly a right to be his own judge; but it is impoſſible for him to carry this privilege with him into ſociety; for, other men having the ſame natural right, they alſo might chuſe to do the ſame; and when men are united in the ſame ſociety, ſhould every man be determined to continue the exerciſe of this original right, then, inſtead of finding themſelves in a well-governed ſociety, they would certainly find themſelves ſtill in their former ungoverned ſtate of nature. Men therefore ought, when they engage in ſociety, to give up the exerciſe of their original privilege of ſelf-judgment, and to ſubmit themſelves to the judgment of other men, in every thing, as far as it relates to the ſociety in general, or to any particular member of that ſociety: and it is this ſingle circumſtance, of a man giving up the right of being his own judge, and ſubmitting himſelf to the judgment of other men, which conſtitutes the difference between men in a ſtate of nature, without

without any government at all, and men in a well-governed ſtate of ſociety. It is, I ſay, this ſingle circumſtance, of giving up the privilege of ſelf-judgment, and ſubmitting to the judgment of other men, that lays the foundation of all human government, and is the firſt and great bond of all human ſocieties.

Now, allowing it to be impoſſible, in a well-governed ſociety, for a man to be his own judge; this maxim will certainly hold good, in reſpect to thoſe who *govern*, as well as in reſpect to thoſe who are *governed* (unleſs thoſe who govern can juſtly plead an exemption from ſelf-partiality, and the common frailties of human nature). And agreeably to this very maxim (that our governors ſhould not be their own judges) the conſtitution has ſeparated the powers of government, in the form of the Britiſh government, and has given theſe three diſtinct powers, to diſtinct perſons; for, it has given, to the houſe of commons, the legiſlative; to the king,

king, the executive; and to the houſe of lords, the judiciary power of government; and certainly with this very intention; that theſe three diſtinct powers, being lodged in diſtinct perſons, they might thereby become diſtinct and ſeparate agents, not only in the making and executing of all ſtatute laws, but alſo in the making and executing of all parliamentary orders and regulations whatſoever, reſpecting the public national buſineſs; and that, by being diſtinct and ſeparate agents, they might then, in all caſes, be the mutual judges of each other's conduct: and thus, the conſtitution has ſubjected, even the governors themſelves, to that firſt and great law of all ſocieties, viz. *That no man ſhall be his own judge.*

THIS appears to me to be the language of the conſtitution; but, does the practice of government ſpeak the ſame language? I wiſh I could ſay, that it did. But to compare what they ſay:—The conſti-

conſtitution has given the powers of government to ſeparate perſons: the practice of government has given them to the ſame perſons. The conſtitution, by a perſonal ſeparation of the powers of government, has made the governors ſubject to the will of other men: the practice of government, by a perſonal union of thoſe powers, has made the governors ſubject to their own will. That is, the conſtitution has made the governors ſubject to the great law of all ſocieties, viz. The judgment of other men: but the practice of government has broken down that great law, and made the governors their own judges; in direct contradiction to the great law of all ſocieties, viz. That no man ſhall be his own judge. This is, I think, the real language of them both. And this is the certain conſequence of a perſonal union with the powers of government: for, in the caſe of an officer of ſtate having a ſeat in parliament; as a member of parliament, he has a right to judge, not only of all laws that are made

by the joint aſſent of the three powers of government, but alſo of all *orders and regulations*, reſpecting the public national buſineſs, that are made by that houſe where he has a ſeat; which, to an officer of ſtate, may be called a *law*, and which he ought to execute: now in this latter caſe, the ſubject has no ſecurity, but that this officer of ſtate will never conſent to make any orders or regulations, but juſt ſuch as will beſt ſuit his own inclinations in the execution, which is certainly being his own lawgiver, and his own judge; or, ſhould the will of parliament prevail againſt his conſent, yet even then, if he chuſes to neglect the execution, as a member in parliament, he ſtill has a right of judging, whether that will has, or has not, been properly executed: and therefore, an officer of ſtate that has a ſeat in parliament, is thereby made, not only his own lawgiver, but afterwards, in the execution of thoſe very laws, he is alſo made his own judge, of his own conduct, as an officer of ſtate.—At an aſſize, held

for

for a county, where a man is brought to be tried for an offence, we ſhould think it very odd, if the culprit were impannelled on either jury, to try his own cauſe: were he on the grand jury, he would then be his own judge, whether he ought, or ought not, to be tried for the offence: and were he on the petit jury, he would then be his own judge, whether he was, or was not, guilty of that offence. Now this appears to be a very ſtrange kind of an human tribunal; and yet, this ſtrange appearance muſt be entirely owing to our not being accuſtomed to this kind of proceeding at a county aſſize: for, it is the ſame thing, when an officer of ſtate has a ſeat in parliament; which, by being accuſtomed to the idea, does not appear ſo very ſtrange, though in reality theſe two caſes are the ſame: for, ſhould an officer of ſtate be accuſed of a neglect of his official duty; if he has a ſeat in the lower houſe, he is impannelled on the grand jury, to be his own judge, whether he ought, or ought not, to be tried for the neglect: and if he has

a ſeat in the upper houſe, he is impannelled on the petit jury, to be his own judge, whether he is, or is not, guilty of that neglect. Theſe two caſes are nearly ſimilar, and are equally repugnant to every principle of good government, and in both caſes there is this plain error; that when a man is impannelled on a jury to try his own cauſe, if he is afterwards ſtruck off the jury, becauſe he has no right to be his own judge, it is a defect in the form of government, firſt to impannel a man on a jury to be a judge, and then to ſtrike him off that jury, becauſe he has no right to judge; and, if he is continued on the jury, it is a direct violation of the great law of all ſocieties, viz. That no man ſhall be his own judge. The two caſes are ſo nearly ſimilar, I can only perceive this difference, that in the caſe of the petty offender, it is only a defect in the ſmaller ſprings in the machine of government; but in the caſe of the great offender, it is a defect in the firſt, the

the main ſpring of government, which may deſtroy the whole machine.

THUS, in a well-conſtituted government, though it be neceſſary that the three powers of government ſhould unite in the making of all ſtatute laws, yet, it is certainly as neceſſary, that they ſhould be perſonally ſeparated (as I ſaid before) not only in the making and executing of all ſtatute laws, but alſo in the making and executing of all parliamentary orders and regulations, reſpecting the public national buſineſs; in order, that theſe ſeparate perſons may, *in all caſes whatſoever*, mutually guard againſt each other's errors. And as the intention of this perſonal ſeparation, is certainly to guard againſt errors, no man can juſtly claim a right to be exempt from this guard, without firſt proving himſelf free from the poſſibility of erring. And where are we to look for ſuch a character? We all know, that there is but one Being in the univerſe that can juſtly claim that title; and it is

for that very reaſon, that HE has a right to make laws, and to execute laws; and who can afterwards preſume to ſay, that they have not, *in all caſes whatſoever*, been properly made and properly executed? For HE, and HE alone, has certainly a right to determine that alſo: and this right (which includes in it an union of the powers of government in the ſame perſon, and conſequently, a declaration that there is no neceſſity for thoſe powers mutually guarding againſt each other's errors). This right, I ſay, is certainly founded on the unerring perfection of the Deity: were it poſſible for him to err, he could not juſtly claim this right; for then, as with other beings who are liable to err, a guard would be neceſſary to prevent the errors: and therefore (conſiſtent with good government) it is impoſſible to unite the powers of government in any perſon that is not unerringly perfect. The perſonal union of the powers of government, is a DIVINE PREROGATIVE; and let not man vainly arrogate to himſelf the

preroga-

prerogative of God! For though we are ordered to *imitate*, let us not preſume to *emulate* his perfections. Indeed, if we ſuppoſe a man incapable of ſeeing his own errors, thus bedecked with the borrowed plumage of Divine Perfection; in that ſtate of ignorance, I can ſee nothing to diſturb, either the mind or countenance of ſuch a man: but, if we ſuppoſe a perſon thoroughly conſcious of the character he has aſſumed, in that caſe, it would require more confidence than one would wiſh to ſee in any man, *to wear this Divine Prerogative without a bluſh.*

Now, ſhould it be ſaid, If the officers of ſtate, and the officers in all the different branches of the executive power, were not allowed to ſit in parliament; then the parliament could never get the neceſſary information, in all points of buſineſs, to enable them to judge properly: 'tis true, this may be *ſaid*, but the *fact* appears to me to be exactly contrary; and that government would get better in-

formation from their ſervants, when at the bar of either Houſe, than when in the Houſe: for, when a man is at the bar of either Houſe, and only allowed to give direct anſwers to ſuch queſtions as the Houſe thinks proper to aſk him; by that method, the Houſe would certainly get better information from that man, both as to real facts, and his reaſoning on thoſe facts, than if he were in the Houſe, with a right to ſpeak, and, if he chuſes it, to bury both facts and reaſons in a torrent of declamation; for declamation is the very grave of reaſon. Or, ſhould it be ſaid, If the legiſlative and executive powers of government were really and perſonally ſeparated, that then the legiſlative power, for want of that active principle which muſt always attend the executive, and which would be *loſt* to the legiſlative by this ſeparation; that in this caſe, the legiſlative power for want of this enlivening principle, would certainly ſink into a ſupine ſtate of total inactivity; ſo that, what would be a remedy for one evil,

would

would certainly produce a much greater; for when legiſlation ſleeps, there is an *end* of all government:—But ſtill, what is all this, but to ſay, that there are not as many men to be found in this kingdom, as are neceſſary to move the firſt ſpring of government, on principles of virtue, honour, and a real regard to the welfare of mankind: which I do not believe. But ſuppoſe that a ſufficient number of ſenators could not be found, who would ſerve the public, merely on a principle of virtue, independent of all preſent rewards; in that caſe, though, by this ſyſtem, the ſenators would receive no *pecuniary* rewards, yet, it does not follow, that they are to have no *honorary* rewards. For, ſhould it be his majeſty's pleaſure, to add the blue ribband to the honours of a peerage, and to inſtitute a new order of knighthood, particularly for the commons; then, each ſenator would be rewarded with the title of honourable, a ribband, and a ſtar. Nor would ſuch an inſtitution as this, tend to deſtroy, or e-

ven

ven injure this government, by rendering the parliament dependent on the crown; were theſe dignities to be annexed to the ſeats in parliament: ſo that each ſenator ſhall be entitled to theſe dignities, in conſequence of his ſeat, and when he reſigns his ſeat, he ſhall alſo reſign the dignities. —Or ſuppoſe the worſt, ſuppoſe it to be true, that the legiſlative power of government would not move either on principles of virtue or honour: now, as to this, or any other bad conſequences, that might be ſuppoſed to attend this alteration, I beg leave to give this general anſwer; that, if experience ſhould prove that the perſonal, perhaps I might ſay, dreadful ſeparation of the powers of government, did really injure the government, in any point of view; yet ſtill, it is plain, the government would always have it in their power, to repair the injury, by a perſonal, and may I ſay, a comfortable re-union of thoſe powers, whenever experience had proved the neceſſity. And ſhould experience prove it really neceſſary, then all reaſon-

reaſoning, and eſpecially my poor reaſoning on this ſubject, muſt immediately give place to neceſſity, as I know nothing that neceſſity will not juſtify.

As to making the experiment, it cannot be a meaſure very dangerous to a ſtate, when, for only ſuppoſed evils, the government have always a real and certain remedy in their own power. And ſhould this plan prove practicable, no one can doubt of the good conſequences that might attend a meaſure, which would certainly remove from the ſenate, all violent contentions that ariſe from purſuing a wrong object, for it would then leave only one *poor bone* of contention, viz. THE GOOD OF THE PEOPLE. Or, ſhould it prove impracticable, yet ſtill it might be attended with this ſmall advantage; that the ſubject would then ſee, and ought to be convinced, that this machine of government, as framed by the Britiſh conſtitution, is really ſo conſtructed, that it requires more than human

human ſtrength to move it; and that therefore they ought to be content with a machine on a more ſimple conſtruction, and ſuch an one as really moves by human ſprings.

AND, as to the particular objection that I have mentioned, That the legiſlative power of government will not move but by *indirect* means: common charity forbids us to have that opinion of mankind, and the well-eſtabliſhed character of Britiſh generoſity, particularly forbids us to apply that opinion to the Britiſh nation: let us not then entertain a doubt, but that, in this improved, in this enlightened nation, liberal ſentiments would ſo far prevail, that, were it tried, there would always be found in this kingdom, a ſufficient number of men, to move this firſt ſpring of government, on the generous, though unprofitable principle, *of making government a bleſſing to ſociety*.

# ON THE SUPREME POWER OF A STATE.

NO political queſtion was ever more agitated than this, viz. *Whether the ſupreme power of governing a ſtate, is in the people, or in the governors of the ſtate.* Now in order to a ſolution of this queſtion, as in the paper on National and Imperial Government, ſo we muſt again recur to the original inſtitution of all ſocieties, or ſocial ſtates.—When men leave the ſtate of natural liberty (in which ſtate they are ſubject to no laws, but the laws of nature) and form a ſociety, or ſocial ſtate (in which ſtate they become ſubject to

to ſocial or civil laws) then the firſt and fundamental law of the ſociety is this, viz. *That every individual of the ſtate, ſhall be ſubject to the general will of the ſtate.* This is the great law, from whence all ſubſequent ſocial or civil laws derive their authority. This law is not made by the aſſociating parties, it is a law that has its foundation in reaſon; it is therefore a Divine law, and conſequently exiſted prior to all ſocieties: but though the aſſociating parties do not make this law, yet by the act of aſſociation they make themſelves ſubject to the law. On this fundamental ſocial law, is founded the original power of a ſtate, from whence all ſubordinate powers in the ſtate derive their authority, and even their very exiſtence; this original power therefore, is *the ſupreme power of the ſtate.* A power which is eſtabliſhed in every ſtate, not by the weakneſs of human authority, but being a power which has its foundation in reaſon, it is an ordinance of God, and not an ordinance of man; *whoſoever therefore reſiſteth*

*reſiſteth the power, reſiſteth the ordinance of God:* for this is certainly the power which St. Paul ſpeaks of, Rom. xiii. 1. *Let every ſoul be ſubject unto the higher powers,* as in the very next ſentence we are told, *there is no power but of God: the powers that be, are ordained of God.*

ENDLESS have been the controverſies amongſt the political writers, reſpecting this paſſage of St. Paul, and that paſſage of 1 St. Peter, xi. 13. *Submit yourſelves to every ordinance of man for the Lord's ſake: whether it be to the king as ſupreme; or unto governors, as unto them that are ſent by him.* Here St. Peter has called the king *ſupreme,* and ſo he certainly is. Every king is the ſupreme magiſtrate in the ſtate of which he is the ſovereign: and, by the Britiſh conſtitution of government, the king is the ſupreme head of the executive power of government, and ſo is the ſpeaker of the upper Houſe the ſupreme head of the judiciary power of government, and the ſpeaker of the lower Houſe

Houſe is alſo the ſupreme head of the legiſlative power of government; but they are none of them the ſupreme power of the ſtate; nor are the King, Lords, and Commons collectively the ſupreme power of the ſtate; they are not *the higher powers* to which St. Paul has commanded every ſoul to be ſubject, for they are not *ordained of God*, and therefore they are not *the ſupreme power of the ſtate*, or, as St. Paul expreſſes it, *the higher powers*. But they are *the powers* to which St. Peter has commanded us to ſubmit, for they are *an ordinance of man*, and conſequently, they are a *ſubordinate power*, deriving their authority, and even their very exiſtence, i. e. their official exiſtence, from the ſupreme power of the ſtate, which is ordained of God. Theſe paſſages of St. Paul and St. Peter, as I ſaid before, have been the ſubject of endleſs controverſies, owing, as it appears to me, to the writers not having made this diſtinction. St. Paul ſpeaks of a ſtate collectively (from whence alone can be drawn the general will of the ſtate)

ſtate) or of a people: St. Peter ſpeaks of kings and governors, who are delegated by the people. St. Paul ſpeaks of *an original ſubject* of a ſtate, whoſe prerogative is *the ſupreme power* of the ſtate, which is an ordinance of God, and not an ordinance of man: St. Peter ſpeaks of *a delegated ſubject* of a ſtate, whoſe prerogative is *the ſubordinate power* of the ſtate, which is an ordinance of man, and not an ordinance of God. The *original ſubject* is ordained of *God:* the *delegated ſubject* is ordained of *the people*. The *ſupreme power* is the creature of *God:* the *ſubordinate power* is the creature of *the people*.

As I believe that this is a new conſtruction of theſe paſſages, and having no better authority for it, than merely my own opinion, I beg the privilege of endeavouring to ſupport the conſtruction. I have ſaid, that the ſupreme power of a ſtate is in the people, and, that the ſubordinate power of a ſtate is in the governors, who are delegated by the people.—

Now, in the moral world, power is an attribute of a ſubject, which can have no exiſtence ſeparate and diſtinct from the ſubject in which it reſides; and, as it would be an affront to common ſenſe, to ſay, that a ſupreme power ought to reſide in a delegated ſubject, or, that a ſubordinate power ought to reſide in an original ſubject, conſequently every ſupreme power ought to reſide in an original ſubject, and every ſubordinate power ought to reſide in a delegated ſubject: and therefore, with reſpect to the paſſages before mentioned, I think I may ſafely draw this concluſion, viz.—When St. Paul ſpeaks of *the higher powers*, that he then ſpeaks of *a people*; for a people are certainly an original ſubject of a ſtate, whoſe prerogative is therefore the ſupreme power of the ſtate, or, as the Apoſtle expreſſes it, *the higher powers*. And when St. Peter ſpeaks of *kings and governors*, that he then ſpeaks of *a ſubordinate power* of a ſtate; for a ſubordinate power of a ſtate is certainly the prerogative of the delegated

ſubject

ſubject of the ſtate, who are *kings and governors*.—And, with reſpect to ſocial ſtates, I think I may alſo as ſafely aſſert, that in every ſtate where there is a ſubordinate power of government eſtabliſhed, there are two diſtinct powers, viz. the ſupreme power, and the ſubordinate power; and, that *the ſupreme power* of the ſtate, is the attribute and rightful prerogative of *the people*, becauſe the people are *the original ſubject* of the ſtate; and, by the Britiſh conſtitution of government, that *the ſubordinate power* of this ſtate, is the attribute and rightful prerogative of *the King, Lords, and Commons*, becauſe the King, Lords, and Commons are *the delegated ſubject* of the ſtate.

Now it ſhould be here obſerved, that in the ſocial ſtate, different men ſtand in different relations to the ſociety, thoſe different relations laying them under diſtinct obligations, viz. when a man is only related to a ſtate as a ſubject, then he is only amenable to the ſtate for his conduct

in that relation; but when a ſubject of a ſtate accepts of the truſt of a governor of the ſtate, then he commences a relation to the ſtate, diſtinct and different from his relation as a ſubject, and then he is not only amenable to the ſtate for his conduct as a ſubject, but alſo, by accepting of that truſt, having, in his official character, accepted of the ſubordinate power of the ſtate, he thereby becomes amenable to the ſupreme power of the ſtate, for his official conduct; the *governors* of a ſtate being amenable to the people, for their conduct as governors, agreeably to the eſtabliſhed *conſtitutional laws* of the ſtate; as the *ſubjects* of a ſtate are amenable to the governors, for their conduct as ſubjects, agreeably to the eſtabliſhed *civil laws* of the ſtate. But theſe diſtinct obligations of governors and ſubjects, muſt not be conſtrued, either to lay ſubjects under an abſolute neceſſity of ſubmitting to the capricious whims of their governors, or to lay governors under an abſolute neceſſity of ſubmitting to the capricious

capricious whims of a people; as thoſe different characters are only amenable to the ſuperior power, agreeably to the eſtabliſhed laws of their reſpective characters. And when a man is placed in different characters in a ſtate, it not only lays him under diſtinct obligations, but alſo entitles him to the diſtinct privileges of thoſe different characters: for every governor of a ſtate, in the character of *a governor*, ſhares in the prerogative of *the ſubordinate power*; and every fellow-citizen, in the character of *a citizen*, ſhares in the prerogative of *the ſupreme power*. The former power he may accept of, or reſign, at pleaſure, but it is impoſſible for him to give up his right to the latter power, becauſe it is the power that is to govern and protect himſelf; and the firſt law of nature, ſelf-preſervation, will not allow any man ſo far to abandon himſelf, and to neglect the care of his own ſafety, as to truſt his protection to any power, in which he has not an equal ſhare with others, who are dependent on the ſame power. The right, therefore, that every

citizen has to an equal ſhare with all his fellow-citizens, in the ſupreme power of the ſtate, is *an unalienable right*.—This ſupreme power (which is eſtabliſhed amongſt mankind by the fundamental ſocial law, viz. that every individual ſhall ſubmit to the general will of the whole) continues men, after they are aſſociated, on the very ſame level and equality, that they were in before the aſſociation, while in a ſtate of natural liberty, not affording any man the leaſt pretenſion to ſuperiority over others; and that equality is certainly a very wholeſome leſſon of humility, which is a circumſtance that plainly proves the origin of *that power*.—It is after men are thus aſſociated under the protection of *this ſupreme power*, that moſt ſtates (finding the people ſo numerous, that it is impoſſible for them to act collectively) are therefore obliged to delegate governors, with *a ſubordinate power*, to act for them by their authority. The *delegated governors* have no authority independent of the *people*: the *ſubordinate power* has no authority independent of *the ſupreme power*.

When

When this ſubordinate power is eſtabliſhed, then commences the ſubordination in ſociety, and the pride of rank in this ſubordinate power; and any one who obſerves the contention and the ſtruggling there is in the world for *that rank*, cannot be at a loſs to diſcover the origin of *that power*. But ſtill, a man being honoured with this ſubordinate, this faſcinating power, which men are ſo fond of, cannot releaſe him from his obligations as a ſubject; he ſtill continues a ſubject of the ſtate, and in that character he is amenable to the ſtate, for his ſubmiſſion to thoſe very laws, which he has made himſelf in his official character. Every *rightful* emperor, king, or ſovereign of what title ſoever, is as certainly a ſubject of the ſtate, as any of his fellow-citizens; for, when a ſovereign of a ſtate is not at the ſame time a ſubject of the ſtate, then he is an alien, or a foreigner, and not a fellow-citizen; and Moſes has told us, Deut. xvii. 15. *One from among thy brethren ſhalt thou ſet king over thee: thou mayeſt not ſet a ſtranger over thee,*

*which is not thy brother.* So that, as by the doctrine of Moſes, an alien, or a foreigner is not a *rightful* ſovereign, and as it is impoſſible for any man to live within the dominions of a ſtate, without being ſubject to the laws of the ſtate, conſequently it is impoſſible for any man to be a *rightful* ſovereign of a ſtate, who is not a ſubject of that ſtate, of which he is the ſovereign.

Now, allowing the principles here laid down to be true, then, in the moral world, as *every delegated ſubject*, whoſe prerogative is only *a ſubordinate power*, ought therefore to be amenable for its conduct to *the original ſubject*, whoſe prerogative is *the ſupreme power*; and alſo, *every inferior ſubject*, whoſe prerogative is only *an inferior power*, ought likewiſe to be amenable for its conduct to *the ſuperior ſubject*, whoſe prerogative is *a ſuperior power*; ſo, in the ſocial world, *every delegated governor* of a ſtate, whoſe prerogative is only *the ſubordinate power* of the ſtate, ought therefore,

therefore, in like manner, to be amenable for his conduct to *the people*, whoſe prerogative is *the ſupreme power* of the ſtate; and alſo, *every ſubject*, whoſe prerogative is only *an inferior power*, ought likewiſe to be amenable for his conduct to *the delegated governors* of the ſtate, whoſe prerogative is *a ſuperior power:* For, were not this ſubordination to be ſtrictly obſerved, it would entirely deſtroy the regular œconomy of both the moral and the ſocial world. In the moral world, it would be ſubverting the eſtabliſhed order of nature, and by deſtroying the force of juſt authority, would eſtabliſh either impotency or uſurpation on the ruins of rightful power: and, in the ſocial world, it would be ſubverting the eſtabliſhed order of ſociety, and by deſtroying the force of legal authority, would eſtabliſh either anarchy, or deſpotiſm, on the ruins of rightful government. And therefore,—When a man engages in ſociety, then, he is certainly amenable to the governors of the ſtate, for his conduct

duct as a ſubject, agreeably to the eſtabliſhed *civil laws* of the ſtate, not only on theſe principles, but alſo by St. Peter's poſitive command, viz. *Submit yourſelves to every ordinance of man for the Lord's ſake, whether it be to the king as ſupreme; or unto governors, as unto them that are ſent by him:* Or,—When a ſubject of a ſtate accepts of the truſt of a governor of the ſtate, then, the governor is alſo as certainly amenable to the people, for his conduct as a governor, agreeably to the eſtabliſhed *conſtitutional laws* of the ſtate, not only on theſe principles, but alſo by St. Paul's poſitive command, viz. *Let every ſoul be ſubject unto the higher powers:* Or,—When a governor of a ſtate acts agreeably to the will of the people, then, in that caſe, the governor having faithfully diſcharged his truſt, whatever may be the conſequences of ſuch conduct, he certainly merits the thanks and praiſe of the people: Or,—When a governor of a ſtate acts contrary to the will of the people, then, in that caſe, the governor having

having failed in the diſcharge of his truſt, the people have an undoubted right to puniſh him for neglect of official duty: And,—As the governors of a ſtate have no right to act contrary to the will of the people; therefore, though the good of the people ought to be the only object of governors, in the diſcharge of their diſcretionary truſt, becauſe the people muſt always be ſuppoſed to intend their own good; yet, when a caſe happens, in which a people expreſſly interfere, and make known their will to their governors, ſpecifically declaring themſelves in favour of ſuch meaſures, as muſt inevitably deſtroy themſelves, then, in that caſe, the people take from their governors the right of judging for them, they abſolve them from their diſcretionary truſt, and it becomes the indiſpenſible duty of thoſe governors, to adopt and execute thoſe meaſures, and to deſtroy that people; the governors of a ſtate having no right to purſue any meaſure, though even for the good of the people, which has not its

its foundation in the hearts of the people.—And here, I beg leave to make this inference: in the preſent American diſpute, when the ſupreme power of this ſtate, the people, addreſſed the king in favour of the preſent conſtitution of government; offering their lives and fortunes to enable his majeſty to ſupport the conſtitution, then, in that particular inſtance, the people took from our governors the right of judging for us; they abſolved them from their diſcretionary truſt, leaving them no other alternative, but that of either ſupporting the conſtitution, or being guilty of a direct breach of truſt, by acting contrary to the known will of the people. In that particular inſtance, the people took the load of government from off the ſhoulders of our governors, and placed it upon their own. And therefore, whatever has hitherto been, or may hereafter be, the conſequence of that meaſure (as by the fundamental law of the ſociety, every individual of the ſtate is bound to be ſubject to the general

ral will of the ſtate) no man in this kingdom has a juſt cauſe to cenſure our governors; they having, in that inſtance, acted agreeably to the will of *the ſupreme power*, by purſuing a meaſure which has its foundation in the hearts of the people.

Now, from theſe principles, and from this conſtruction of theſe paſſages of the Apoſtles, it appears, That,—When *the delegated governors* of a ſtate, do not encroach on *the ſupreme power*, but keep within their juſt prerogative *the ſubordinate power*, then, St. Peter has given them a full power over the ſubjects of the ſtate, having expreſſly enjoined ſubmiſſion to *every ordinance of man*; he has fixed no bounds to their power, leaving it to be bounded only by reaſon. But St. Paul, well knowing the weakneſs of human reaſon, and the obliquity of the human heart, and that there can be no ſafety in leaving men entirely to themſelves to draw the line of their own power, has guarded mankind

kind from the oppreſſive power of their governors. For, when St. Paul commanded *every ſoul to be ſubject unto the higher powers*, then, he gave to *a people* the very ſame degree of power over *the delegated governors* of the ſtate, that St. Peter has given to *the delegated governors* of a ſtate, over *the ſubjects* of the ſtate, when he commanded all ſubjects to *ſubmit themſelves to every ordinance of man for the Lord's ſake: whether it be to the king as ſupreme; or unto governors, as unto them that are ſent by him.* In theſe paſſages, St. Peter has ordered all ſubjects to ſubmit to their governors, and St. Paul has ordered all governors to be ſubject to the people; it is therefore, a Divine Command, that every ſubject ſhall acknowledge the ſuperior power of his governors, and that every governor ſhall acknowledge the ſupremacy of the people. But, neither of the Apoſtles have fixed any bounds to the power which they have given to thoſe reſpective parties; they have laid down general rules without exception; leaving

it

it to the parties themſelves, to exerciſe their reſpective powers to ſuch a degree as they may find neceſſary on all occaſions. So that, by the doctrine of the Apoſtles,—when ſubjects do not ſubmit to every ordinance of man, if the governors, neglecting the force which they have in their hands for that purpoſe, do not enforce ſubmiſſion to the eſtabliſhed *civil laws*, when they find it neceſſary, then, the ſtate muſt ſuffer for the neglect of the governors, and the governors are amenable for their conduct to the people, agreeable to the eſtabliſhed *conſtitutional laws* of the ſtate, becauſe the governors are only the ſubordinate power of the ſtate; and,—when governors oppreſs ſubjects, if the people, neglecting their Divine Inſtructor, do not relieve the ſubjects from all political oppreſſions, when they find that neceſſary, then, the ſubjects muſt ſuffer for the neglect of the people, but the people are not amenable for their conduct to any power upon earth, becauſe the people are the ſupreme power.

And,

And, by the ſame doctrine of unlimited power, which the Apoſtles have given to both theſe parties, it is alſo impoſſible for ſubjects to evade their duty as ſubjects, but through the negligence of the governors; and equally impoſſible for governors, either to evade their duty as governors, or to oppreſs the ſubjects, but through the negligence of the people.—Excluſive of all other proofs, the wiſdom of this conſtitution of the Apoſtles, ſtamps Divinity on the ordinance.—Indeed, in a free ſtate, ſubjects may ſuffer political oppreſſions, and if the people *do not chooſe* to relieve them, it is their duty tamely to ſubmit to thoſe oppreſſions, agreeably to the fundamental ſocial law, which has commanded every individual to ſubmit to the general will of the whole; nor can the governors, in that caſe, conſiſtently with their truſt, relieve the ſubjects from thoſe oppreſſions, though even to gratify their own inclinations: but it is impoſſible for the ſubjects of a free ſtate, to ſuffer the leaſt degree of political oppreſſion, of which the people, *if they chuſe to*

*do*

*do it*, may not immediately relieve the ſubjects; neither can the governors, in that caſe, conſiſtently with their truſt, prevent the people from relieving the ſubjects from thoſe oppreſſions. For government, in its very nature, is an intermediate power, between the people and the ſubjects, inferior to the people, but ſuperior to the ſubjects; —not inſtituted to govern the people, but to govern the ſubjects;—not inſtituted to reſtrain the power of the people, but to reſtrain the licentiouſneſs of the ſubjects;—not inſtituted to execute the will of the governors, but to execute the will of the people; and to declare and make known the will of the people to the ſubjects, and to oblige every ſubject to ſubmit to that will: and in all caſes, as I ſaid before, when the people expreſſly interfere, and make known their will to their governors, then, in thoſe caſes, that will ought to be executed, whether it be for the good of the ſubjects, or for their hurt; and, in all other caſes, when the people do not expreſſly interfere, leaving the governors to the free exerciſe of their diſcretionary power, then, in all thoſe caſes,

whatever meaſures the governors ſhall adopt, the people, by not interfering, do tacitly conſent to thoſe meaſures, and then thoſe meaſures alſo are the will of the people. When the ſubjects, therefore, of a free ſtate, ſuffer oppreſſions, though the governors may not always have it in their power to relieve the ſubjects, becauſe they may be reſtrained by the ſuperior power of the people; yet, the people always have it in their power to relieve the ſubjects, when they chooſe to do it, becauſe there is no ſuperior power to reſtrain them, and when they do not chooſe to do it, then nothing can be plainer, than that the ſubjects muſt ſuffer, until the ſufferings of the ſubjects ſhall have ſoftened the hearts of the people, and ſhall have taught the people to have mercy on the ſubjects.—In a free ſtate, the ſubjects may be oppreſſed by the people, but it is impoſſible for the ſubjects to be oppreſſed by the governors; nor is it poſſible for the ſlaves of a tyrannical deſpot, to ſuffer a greater weight of oppreſſions, than what may be impoſed on the free ſubjects of a negligent people.—In every ſtate in the world, *the people* have an indiſ-

indiſputable right to govern *the ſubjects* of that ſtate: and, in every free ſtate, which is ſelf-governed, it is in fact the caſe; for then,—collectively they are *the people*, and individually they are *the ſubjects*,—collectively they are *the governors*, and individually they are *the governed*,—collectively they make *all civil laws*, and individually they are *ſubject to thoſe laws* which they have made themſelves. This is the caſe of a free ſtate, but in a deſpotic ſtate it is exactly the reverſe.—In a deſpotic ſtate, inſtead of every individual being made ſubject to the general will of the whole, the order of ſociety is totally inverted, and the whole is made ſubject to the particular will of an individual; thus, the fundamental ſocial law, the only origin of ſocial, or civil laws, being, by an uſurper, ſuſpended in its operation and effects, in this ſtate, civil laws can have no exiſtence. A deſpot cannot be controuled by the civil laws of a people, he therefore uſurps *the ſupreme power*, leaving the people without a power of making civil laws; and as there can be no ſuch thing as an effect without a cauſe, the wily deſpot, by

uſurping *the ſupreme power*, removes the cauſe, that he may not himſelf be troubled with the effect.—In a deſpotic ſtate, it is not the civil laws of a people that govern the ſubjects, it is the imperious mandates of a deſpot that govern the ſlaves.—In a large ſtate, let not a trifling faction, or a mob of ten thouſand, or of ten times ten thouſand men, imagine themſelves to be the people: they are not the people: and, againſt ſuch a faction, or ſuch a mob, the ſovereign *beareth the ſword*, by the joint authority both of God and man; and were he not to uſe that ſword, when neceſſary, it would certainly be *bearing the ſword in vain*.—In every ſtate, nothing leſs than a majority of the whole, is *the people*, or *the ſupreme power* which I have here been ſpeaking of: and a people have not a right to relieve themſelves from political oppreſſions, by any means, but legal (not *evil*) means; for, beſides the authority which they have given their ſovereign themſelves, St. Paul has confirmed that authority, when (ſpeaking of rulers) he told us, that HE IS THE MINISTER OF GOD TO THEE FOR GOOD.

GOOD. BUT IF THOU DO THAT WHICH IS EVIL (or *illegal)* BE AFRAID; FOR HE BEARETH NOT THE SWORD IN VAIN. Yet as it is impoſſible that St. Paul ſhould confirm an authority in any man to bear a ſword *againſt* that very ordinance which he has himſelf eſtabliſhed; therefore, when the rulers of the earth RESIST a people in the legal exerciſe of that right of ſelf-government, which is founded in reaſon, and confirmed by St. Paul, then, by reſiſting an ordinance of that Apoſtle, they certainly forfeit the authority which that Apoſtle has given them, not to *bear the ſword in vain*, and then (having no authority left but what they received from the people) the people, on the principles here laid down, have *a legal right* either to continue, or withdraw that authority, at pleaſure. Nor can the rulers prevent the people from exerciſing that right, by directing the force of the ſtate (which they have in their hands) againſt the people, while the people keep within the *legal* exerciſe of their right of ſelf-government, without being guilty of a moſt impious uſurpation

of *the ſupreme power of the ſtate*, and thereby converting millions of rational beings into wretched ſlaves; which may poſſibly be the reaſon, why St. Paul has, in this place, with more than uſual vehemence, denounced a moſt dreadful ſentence of future puniſhment, againſt EVERY SOUL who is not SUBJECT UNTO THE HIGHER POWERS, WHICH ARE ORDAINED OF GOD.

How far I am ſo fortunate, as not to have been miſtaken in principles, or not to have miſconſtrued theſe paſſages of the Apoſtles, muſt be left to the candid reader to determine. I can only declare it to be my intention, neither to ſuppreſs *the rightful power of the people*, nor to ſlacken the reins of *rightful government*, but to avoid (if poſſible) both thoſe evils, which are equally hurtful to ſociety; having endeavoured to ſteer a middle courſe between anarchy and deſpotiſm, as the only means, by which ſubjects can ever attain *the ineſtimable bleſſings of civil liberty*.

ON THE

# INTERNAL GOVERNMENT

OF

# GREAT BRITAIN.

THOUGH I believe the internal government of Great Britain to be, in general, the moſt perfect ſyſtem of government that is now in the world; yet, I am far from thinking it to be, in every reſpect, ſo extremely perfect, that it will not admit of the leaſt degree of improvement: for, allowing the principle that I have laid down in the former paper to be true, viz. *that the people have a right to govern*; then, that principle plainly points out a very great defect in the pre-

ſent conſtitution of this government, where a great many ſmall boroughs ſend repreſentatives to parliament, who are not immediately dependent on the people; which is a circumſtance in this conſtitution, that would render it at leaſt difficult, if not impoſſible, for the people to govern. If the people are to govern, the parliament ought to be made entirely dependent on the people: for to place the right of governing in the people, without a power to exerciſe that right, would be mere mockery, and a moſt unpardonable inſult on the good ſenſe of the people: but, in the preſent ſituation of Great Britain, when we conſider the ill conſequences that it might be of to this ſtate, for the people to endeavour to ſupport an undoubted right, with a doubtful power, and how apt ſome men are to judge of the reality of a right, merely by the power which there happens to be to enforce it, I ſhould think it impolitic, if not highly imprudent, for the people of this kingdom ever to attempt to exerciſe the right of

ſelf-

ſelf-government, without firſt eſtabliſhing a parliament entirely dependent on themſelves; perhaps on this, or ſome ſuch ſimilar plan.—Suppoſe England to be divided into ſixty-nine counties or ſhires, and the towns mentioned in the annexed map to be the county towns of thoſe ſhires, and every ſhire to conſiſt of all the townſhips that lay the neareſt to the county town, unleſs impaſſable rivers, or ſome other reaſon, made it more convenient to throw ſome particular townſhips into other ſhires, on account of the eaſier acceſs that the inhabitants of thoſe townſhips might have to ſome other county towns; then, where would be the difficulty of making ſuch a diviſion of counties? The gentlemen in every part of this kingdom, or proper officers appointed on purpoſe to do it, might very eaſily determine which townſhips form the edge of each county, and, as the boundary of every townſhip in the kingdom is known with certainty by the inhabitants of the reſpective townſhips, ſo, the boundary of every

county in the kingdom would alſo be known with the ſame degree of certainty. Now, allowing this ſuppoſed diviſion of counties to be thus made, then, as to the right of electing repreſentatives in parliament, let us ſuppoſe one general rule to take place throughout the whole kingdom, viz. that every freeholder of forty ſhillings *per annum* within the county, ſhall have a right to vote for the repreſentatives of that county; and that every freeholder of forty ſhillings *per annum* within the pariſh, in which there is a county town, ſhall have a right to vote for the repreſentatives of that county town; from which circumſtance they might perhaps be as properly called parochial members: and, in order to render the parliament more dependent on the people, let us ſuppoſe the parliaments to be changed from ſeptennial to triennial parliaments: and, for the purpoſe of eſtabliſhing in the ſtate a greater equality in the choice of repreſentatives, than what now ſubſiſts, let us alſo ſuppoſe, that inſtead of the places which now ſend repreſentatives

to

to parliament, that the counties and pariſhes here mentioned ſhall have the privilege of ſending repreſentatives to parliament in this proportion, viz.

| | County Members. | | | Parochial Members. |
|---|---|---|---|---|
| Wooler, | 4 | - | - | 1. |
| Billingham, | 4 | - | - | 2. |
| Carliſle, | 4 | - | - | 2. |
| Newcaſtle, | 4 | - | - | 4. |
| Whitehaven, | 4 | - | - | 4. |
| Durham, | 4 | - | - | 2. |
| Appleby, | 4 | - | - | 2. |
| Stockton, | 4 | - | - | 2. |
| Kendal, | 4 | - | - | 2. |
| Richmond, | 4 | - | - | 2. |
| Scarborough, | 4 | - | - | 2. |
| Lancaſter, | 4 | - | - | 2. |
| Rippon, | 4 | - | - | 2. |
| Settle, | 4 | - | - | 2. |
| York, | 4 | - | - | 4. |
| Preſton, | 4 | - | - | 2. |
| Leeds, | 4 | - | - | 4. |
| Halifax, | 4 | - | - | 4. |
| | 72 | | | 45 |

Hull,

| | County Members. | | | Parochial Members. |
|---|---|---|---|---|
| *Brought over* | 72 | - | - | 45 |
| Hull, | 4 | - | - | 4. |
| Liverpool, | 4 | - | - | 4. |
| Manchester, | 4 | - | - | 4. |
| Doncaster, | 4 | - | - | 2. |
| Sheffield, | 4 | - | - | 2. |
| Chester, | 4 | - | - | 2. |
| Namptwich, | 4 | - | - | 2. |
| Lincoln, | 4 | - | - | 2. |
| Nottingham, | 4 | - | - | 2. |
| Derby, | 4 | - | - | 2. |
| Shrewsbury, | 4 | - | - | 2. |
| Litchfield, | 4 | - | - | 2. |
| Okeham, | 4 | - | - | 2. |
| Leicester, | 4 | - | - | 2. |
| Birmingham, | 4 | - | - | 4. |
| Ludlow, | 4 | - | - | 2. |
| Coventry, | 4 | - | - | 2. |
| Norwich, | 4 | - | - | 4. |
| Huntingdon, | 4 | - | - | 2. |
| Worcester, | 4 | - | - | 2. |
| Hereford, | 4 | - | - | 2. |
| | 156 | | | 97 |

North-

| | County Members. | | Parochial Members. |
|---|---|---|---|
| *Brought over* | 156 | | 97 |
| Northampton, | 4 | - - | 2. |
| Cambridge, | 4 | - - | 4. |
| | | Univerſity, | 4. |
| Ipſwich, | 4 | - - | 2. |
| Bedford, | 4 | - - | 2. |
| Monmouth, | 4 | - - | 2. |
| Gloceſter, | 4 | - - | 2. |
| Buckingham, | 4 | - - | 2. |
| Oxford, | 4 | - - | 4. |
| | | Univerſity, | 4. |
| Weſtminſter, | 12 | City of Weſtminſter, | 12. |
| London, | 12 | City of London, | 12. |
| Southwark, | 4 | - - | 4. |
| Dover, | 4 | - - | 2. |
| Rye, | 4 | - - | 2. |
| Newhaven, | 4 | - - | 2. |
| Chicheſter, | 4 | - - | 2. |
| Portſmouth, | 4 | - - | 4. |
| Wincheſter, | 4 | - - | 2. |
| | 240 | | 167 |

Marl-

| | County Members. | Parochial Members. |
|---|---|---|
| *Brought over* | 240 | 167 |
| Marlborough, | 4 | 2. |
| Briſtol, | 4 | 4. |
| Bath, | 4 | 2. |
| Saliſbury, | 4 | 2. |
| Pool, | 4 | 2. |
| Wells, | 4 | 2. |
| Weymouth, | 4 | 2. |
| Exeter, | 4 | 2. |
| Plymouth, | 4 | 4. |
| Launceſton, | 4 | 2. |
| Hartland, | 4 | 2. |
| Bodmin, | 4 | 2. |
| Falmouth, | 4 | 2. |
| | 292 | 197 |
| | | 292 |
| | | 489 |

Now, ſhould ſuch an alteration as this be made, then the repreſentatives choſen by each place would bear ſome degree of proportion to its conſequence, and the weight that

that each place ought to have in government; and all the repreſentatives being dependent on their conſtituents, under ſuch a conſtitution of government as this, the voice of parliament would be the voice of the people, and you would be in the ſtricteſt ſenſe of the word SELF-GOVERNED. Nor would ſuch an alteration as this affect the comparative weight of England, Wales, and Scotland, in the ſcale of government: for, the whole repreſentation of England, would ſtill continue to bear the very ſame proportion, with the whole repreſentation of Wales, and Scotland, that exiſts at this time, which is a proportion that ought never to be altered.

THUS far we have conſidered this plan merely as it affects the repreſentation in parliament, but I do not ſee the neceſſity of being obliged to confine the conſideration of this ſuppoſed diviſion of counties entirely to that object. I believe it to be far from impoſſible to make it uſeful to the ſtate in other reſpects, and convenient for other purpoſes

purpoſes of government. For inſtance,—Were the aſſizes to be held in each of theſe county towns, then the inhabitants in general would be nearer the ſeat of juſtice, for the convenience of the ſubjects. Or,—Were the militia to be raiſed in theſe counties, then, being in ſmaller diſtricts, they might be more eaſily aſſembled, on ſudden emergencies, for the ſafety of the ſtate. And as I have now mentioned the internal policy of this nation, before I finiſh my political budget, I beg leave to trouble the reader with ſome obſervations on the public funds.—At preſent, the circulation of all the public funds is confined to the city of *London*. The intereſt on the whole ſtock, which is ſome millions *per annum*, muſt be paid there, and the principal, whenever it changes hands, muſt be there transferred, which is making *London* the only place of general circulation both of principal and intereſt, and thereby confining the ſupport of public credit to that limited circulation: but ſuppoſe theſe funds, inſtead of being confined to *London*, were eſtabliſhed in the ſame manner,

manner, and by the ſame authority, in every town mentioned in this map, allowing every perſon that is poſſeſſed of ſtock, to tranſpoſe that ſtock from *London* to any of theſe places, and afterwards, to allow the ſtock to be transferred from one perſon to another, in any of theſe branches, the ſame as in *London*, then, that more extenſive and general circulation of the public ſtock, would certainly be productive of a more extenſive and general ſupport of the public credit. And ſuch an eſtabliſhment as this, would not complicate and perplex the buſineſs, were the buſineſs to be regulated by this reſtriction, viz. that the proprietors of ſtock ſhall only be allowed to tranſpoſe that ſtock from *London* to any of theſe places, or, from any of theſe places back to *London*, but that they ſhall not be allowed to tranſpoſe ſtock from one branch to another: for, as in the natural body, the blood is confined to ſuch channels, that it can only flow from the heart to the extremities, and from the extremities back to the heart; ſo, in the political body, the ſtock ought alſo to be

confined to ſuch channels, that it could only flow from the fountain to the branches, and from the branches back to the fountain; by which means, theſe branches could never be productive of the leaſt confuſion in the public accounts, as the officers at the fountain might then always know exactly the quantity of ſtock that is in each branch, which would enable them at all times to know with certainty how to provide for the dividends.

As to the advantage that government would receive from ſuch an inſtitution as this, nothing can be plainer, than that by eſtabliſhing branches for the circulation of the public funds, in every county town here mentioned, you would moſt certainly raiſe the price of ſtock, and improve the public credit, by introducing a great many new purchaſers of ſtock; who are now diſcouraged from buying it, on account of the many difficulties that attend the buying of ſtock, by thoſe who live at a great diſtance from the market: for if the ſums be large, the danger of truſting agents, is no ſmall objection:

objection: and if they are only ſmall ſums, to that conſideration muſt be added, ſometimes the want of agents, and always the great expence of making ſmall purchaſes. Theſe objections, taken together, amount almoſt to an abſolute preclusion of ſmall ſums that are at a great diſtance from *London*. But if theſe obſtacles were either removed or leſſened, and people at a diſtance from *London* were allowed other markets, where they might with more ſafety and convenience purchaſe ſtock, and where they might not only ſee the tranſaction themſelves, without truſting to a broker, but afterwards might alſo receive the intereſt of that ſtock with their own hands, without being at the expence of an agent, then, theſe advantages would moſt certainly introduce a great many new purchaſers of ſtock, which would as certainly raiſe the price of it, and thereby materially ſtrengthen the hands of government. And as to the advantage that individuals would receive from ſuch an inſtitution as this, it is no more than common juſtice, to ſpread theſe advantages of the circulation

circulation of ſtock, amongſt thoſe who muſt ſhare in its burthen as a national load. Now, ſhould the public think it not only reaſonable thus to accommodate thoſe who live at a diſtance from the capital, but that it is alſo neceſſary to improve the ſtrength of public credit, by widening the baſis of this immenſe ſuperſtructure of public debt; though I have here only mentioned England, yet the ſame reaſons would hold with equal force, and it would be productive of the very ſame effects, both public and private, were there a ſtill further extenſion of this plan to ſome proper towns in Wales, and Scotland.

PERHAPS it may be objected to this plan, that I have omitted mentioning ſome conſiderable towns not far from the capital; giving the preference to ſmaller towns at a greater diſtance: my reaſon for it was this: I think it contrary to the general good, to encourage the growth of large towns too near the capital, as it can only tend to prevent the inhabitants from ſpreading

ing more equally over the different parts of the ſtate; and by collecting in large towns too near the capital, they muſt unavoidably intercept a conſiderable ſhare of the proviſions of that part of the country which ought to ſupply the capital. As to the choice that I have made of ſome of the ſmaller towns, in that reſpect, I own the plan to be imperfect, indeed it is next to impoſſible that it ſhould be otherwiſe, not having been in every part of the kingdom to know which are the propereſt towns; but if the general plan be approved of, any particular towns may eaſily be changed, without making the leaſt change in the general plan; and I ſhall acknowledge it as a favour, if gentlemen who are better acquainted than I am with all the different parts of this kingdom, will be ſo obliging as to change the improper towns, and to alter and correct the plan, at their own pleaſure.

FINIS.